

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

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|------------------------|---|------------------------|
| CODY L. WALTON, |) | |
| |) | |
| |) | |
| vs. |) | Case No: 2:11-CV-00048 |
| |) | |
| ROBERT DAWSON, et al., |) | |
| |) | |
| |) | |
| Defendants. |) | |

**PLAINTIFF’S MOTION FOR ATTORNEYS’ FEES & COSTS PURSUANT
TO 42 U.S.C. § 1988 AS THE PREVAILING PARTY FOR CLAIMS
PURSUED UNDER 42 U.S.C. § 1983 AND/OR IN THE ALTERNATIVE
MOTION TO AMEND THE JUDGMENT TO ADD COSTS AND
ATTORNEYS FEES**

Plaintiff, by and through his counsel, moves this Honorable Court for an award of attorneys’ fees & costs pursuant to Federal Rule of Civil Procedure 54 and/or 8th Cir. R. 47C and/or 42 U.S.C. § 1988. In support of this motion for an award of attorneys’ fees and costs, Plaintiffs file herewith the following supportive materials:

1. Plaintiffs Attorneys’ Suggestions in Support of Motion for Attorneys’ Fees;
2. Missouri Department of Economic Development income statistics for Macon County, Missouri (Exhibit 1);
3. Laffey Matrix (Exhibit 2);
4. *Missouri Lawyers Weekly*, 2013, survey of Missouri attorneys hourly rates (Exhibit 3);
5. *White v. McKinley* opinion from the United States District Court for the Western District of Missouri, 05-203-CV-W-NKL (2009);
6. Billing affidavit of Jeremy D. Hollingshead, for hours and costs to date, along with a billing detail; (Exhibit 5);
7. Billing affidavit of John M. Eccher, for hours and costs to date, along with a billing detail (Exhibit 6);

8. Billing affidavit of Stephen S. Wyse for hours and costs to date, along with a billing detail (Exhibit 7);
9. Billing affidavit of Jeffrey Chapdelaine, for hours and costs to date, along with a billing detail (Exhibit 8);
10. Billing affidavit of Derek M. Rudman, for hours and costs to date, along with a billing detail (Exhibit 12);
11. Expense receipts/invoices for Jeffrey Chapdelaine;
12. Expense receipts/invoices for Stephen S. Wyse;
13. Expense receipts/invoices for Hollingshead, Paulus & Eccher (i.e. Jeremy D. Hollingshead and John M. Eccher).

The grounds for this motion are more fully set out in the accompanying Suggestions in Support, but are as follows:

1. On or about October 7, 2014, the above-captioned case was brought before this Court for trial pursuant to 42 U.S.C. § 1983.
2. After an approximately-two-and-a-half-day trial, the jury returned a verdict in favor of Plaintiff and against Defendant David Moore (the only remaining Defendant as of the start of trial) in the amount of \$60,000. As set forth in the Suggestions in Support of Plaintiff's Motion, by virtue of the aforementioned verdict, Plaintiff was a "prevailing party," as defined by 42 U.S.C. § 1988.
3. As a result of the foregoing, Plaintiff is entitled to reasonable attorneys' fees and costs pursuant to 42 U.S.C. §§ 1982 and 1988, 8th Cir. R. 47C and/or Federal Rule of Civil Procedure 54(d).

WHEREFORE, Plaintiff, by and through his attorneys, moves this Honorable Court for an award of attorneys' fees of **\$923,900.00** and costs of **\$5,923.00**, for the total amount of **\$929,823.00**, pursuant to Federal Rule of Civil Procedure 54, 8th Cir. R. 47C, and/or 42 U.S.C. § 1988. If Defendant files any

post-opinion motions or oppose this fee application, Plaintiffs request leave to submit a supplemental fee and expense application and documentation.

Respectfully submitted,

/s/ Jeremy D. Hollingshead

Jeremy D. Hollingshead #60447MO
7911 Forsyth Boulevard, Suite 300
Saint Louis, Missouri 63105
Telephone: (314) 480-5474
Facsimile: (314) 594-0825
Email: j.hollingshead@hpelaw.com

/s/ John M. Eccher

John M. Eccher #62869MO
7911 Forsyth Boulevard, Suite 300
Saint Louis, Missouri 63105
Telephone: (314) 480-5474
Facsimile: (314) 594-0825
Email: j.eccher@hpelaw.com

/s/ Stephen Wyse

Stephen Wyse #49717MO
609 East Broadway
Columbia, Missouri 65203
Telephone: (573) 449-7755
Facsimile: (573) 449-7557

ATTORNEYS FOR PLAINTIFF

Certificate of Service

The undersigned counsel hereby certifies that a true and accurate copy of the foregoing, together with exhibits, was sent to all counsels of record this 21st day of October, 2014 via the Court's Electronic Filing System.

/s/ Jeremy D. Hollingshead